

# STATE OF NEW YORK

3239

2017-2018 Regular Sessions

## IN SENATE

January 20, 2017

Introduced by Sen. RANZENHOFER -- read twice and ordered printed, and  
when printed to be committed to the Committee on Elections

AN ACT to amend the election law, in relation to media disclosure  
requirements and political contribution limitations

The People of the State of New York, represented in Senate and Assem-  
bly, do enact as follows:

1 Section 1. Subdivision 2 of section 14-107 of the election law, as  
2 added by section 2 of part A of chapter 286 of the laws of 2016, is  
3 amended to read as follows:

4 2. Whenever any person makes an independent expenditure that costs one  
5 thousand dollars or more in the aggregate, such communication shall  
6 clearly state the name of the person who paid for, or otherwise  
7 published or distributed the communication [~~and~~], state, with respect to  
8 communications regarding candidates, that the communication was not  
9 expressly authorized or requested by any candidate, or by any candi-  
10 date's political committee or any of its agents and shall in addition  
11 disclose the names of the five contributors making the largest total  
12 contributions to the person making the independent expenditure, or if  
13 there are fewer than five contributors, the names of all contributors  
14 during the prior twelve months. At a minimum such disclosure shall read:  
15 "this communication has been sponsored by ----. This communication was  
16 not expressly authorized or requested by any candidate, or by any candi-  
17 date's political committee or any of its agents. The names of the five  
18 largest contributors to the sponsor during the past twelve months are:  
19 -----".

20 § 2. Subdivision 1 of section 14-114 of the election law, as amended  
21 by chapter 79 of the laws of 1992, paragraphs a and b as amended by  
22 chapter 659 of the laws of 1994, is amended to read as follows:

23 1. The following limitations apply to all contributions to candidates  
24 for election to any public office or for nomination for any such office,  
25 or for election to any party positions, and to all contributions to

EXPLANATION--Matter in italics (underscored) is new; matter in brackets  
[~~-~~] is old law to be omitted.

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1 political committees working directly or indirectly with any candidate  
2 to aid or participate in such candidate's nomination or election, other  
3 than any contributions to any party committee or constituted committee:

4 a. In any election for a public office to be voted on by the voters of  
5 the entire state, or for nomination to any such office, no contributor  
6 may make a contribution to any candidate or political committee, and no  
7 candidate or political committee may accept any contribution from any  
8 contributor, which is in the aggregate amount greater than: (i) in the  
9 case of any nomination to public office, the product of the total number  
10 of enrolled voters in the candidate's party in the state, excluding  
11 voters in inactive status, multiplied by \$.005, but such amount shall be  
12 not less than four thousand dollars nor more than twelve thousand  
13 dollars [~~as increased or decreased by the cost of living adjustment~~  
14 ~~described in paragraph c of this subdivision~~], and (ii) in the case of  
15 any election to a public office, twenty-five thousand dollars [~~as~~  
16 ~~increased or decreased by the cost of living adjustment described in~~  
17 ~~paragraph c of this subdivision~~]; provided however, that the maximum  
18 amount which may be so contributed or accepted, in the aggregate, from  
19 any candidate's child, parent, grandparent, brother and sister, and the  
20 spouse of any such persons, shall not exceed in the case of any nomi-  
21 nation to public office an amount equivalent to the product of the  
22 number of enrolled voters in the candidate's party in the state, exclud-  
23 ing voters in inactive status, multiplied by \$.025, and in the case of  
24 any election for a public office, an amount equivalent to the product of  
25 the number of registered voters in the state excluding voters in inac-  
26 tive status, multiplied by \$.025.

27 b. In any other election for party position or for election to a  
28 public office or for nomination for any such office, no contributor may  
29 make a contribution to any candidate or political committee and no  
30 candidate or political committee may accept any contribution from any  
31 contributor, which is in the aggregate amount greater than: (i) in the  
32 case of any election for party position, or for nomination to public  
33 office, the product of the total number of enrolled voters in the candi-  
34 date's party in the district in which he is a candidate, excluding  
35 voters in inactive status, multiplied by \$.05, and (ii) in the case of  
36 any election for a public office, the product of the total number of  
37 registered voters in the district, excluding voters in inactive status,  
38 multiplied by \$.05, however in the case of a nomination within the city  
39 of New York for the office of mayor, public advocate or comptroller,  
40 such amount shall be not less than four thousand dollars nor more than  
41 twelve thousand dollars [~~as increased or decreased by the cost of living~~  
42 ~~adjustment described in paragraph c of this subdivision~~]; in the case of  
43 an election within the city of New York for the office of mayor, public  
44 advocate or comptroller, twenty-five thousand dollars [~~as increased or~~  
45 ~~decreased by the cost of living adjustment described in paragraph c of~~  
46 ~~this subdivision~~]; in the case of a nomination for state senator, four  
47 thousand dollars [~~as increased or decreased by the cost of living~~  
48 ~~adjustment described in paragraph c of this subdivision~~]; in the case of  
49 an election for state senator, six thousand two hundred fifty dollars  
50 [~~as increased or decreased by the cost of living adjustment described in~~  
51 ~~paragraph c of this subdivision~~]; in the case of an election or nomi-  
52 nation for a member of the assembly, twenty-five hundred dollars [~~as~~  
53 ~~increased or decreased by the cost of living adjustment described in~~  
54 ~~paragraph c of this subdivision~~]; but in no event shall any such maximum  
55 exceed [~~fifty~~] ~~twenty-five~~ thousand dollars or be less than one thousand  
56 dollars; provided however, that the maximum amount which may be so

1 contributed or accepted, in the aggregate, from any candidate's child,  
2 parent, grandparent, brother and sister, and the spouse of any such  
3 persons, shall not exceed in the case of any election for party position  
4 or nomination for public office an amount equivalent to the number of  
5 enrolled voters in the candidate's party in the district in which he is  
6 a candidate, excluding voters in inactive status, multiplied by \$.25 and  
7 in the case of any election to public office, an amount equivalent to  
8 the number of registered voters in the district, excluding voters in  
9 inactive status, multiplied by \$.25; or twelve hundred fifty dollars,  
10 whichever is greater, or in the case of a nomination or election of a  
11 state senator, twenty thousand dollars, whichever is greater, or in the  
12 case of a nomination or election of a member of the assembly twelve  
13 thousand five hundred dollars, whichever is greater, but in no event  
14 shall any such maximum exceed one hundred thousand dollars.

15 ~~[c. At the beginning of each fourth calendar year, commencing in nine-~~  
16 ~~teen hundred ninety five, the state board shall determine the percentage~~  
17 ~~of the difference between the most recent available monthly consumer~~  
18 ~~price index for all urban consumers published by the United States~~  
19 ~~bureau of labor statistics and such consumer price index published for~~  
20 ~~the same month four years previously. The amount of each contribution~~  
21 ~~limit fixed in this subdivision shall be adjusted by the amount of such~~  
22 ~~percentage difference to the closest one hundred dollars by the state~~  
23 ~~board which, not later than the first day of February in each such year,~~  
24 ~~shall issue a regulation publishing the amount of each such contribution~~  
25 ~~limit. Each contribution limit as so adjusted shall be the contribution~~  
26 ~~limit in effect for any election held before the next such adjustment.]~~

27 § 3. Subdivision 10 of section 14-114 of the election law, as added by  
28 chapter 79 of the laws of 1992, is amended to read as follows:

29 10. [a.] No contributor may make a contribution to a party or consti-  
30 tuted committee and no such committee may accept a contribution from any  
31 contributor which, in the aggregate, is greater than ~~[sixty-two]~~ twen-  
32 ty-five thousand ~~[five hundred]~~ dollars per annum.

33 ~~[b. At the beginning of each fourth calendar year, commencing in nine-~~  
34 ~~teen hundred ninety five, the state board shall determine the percentage~~  
35 ~~of the difference between the most recent available monthly consumer~~  
36 ~~price index for all urban consumers published by the United States~~  
37 ~~bureau of labor statistics and such consumer price index published for~~  
38 ~~the same month four years previously. The amount of such contribution~~  
39 ~~limit fixed in paragraph a of this subdivision shall be adjusted by the~~  
40 ~~amount of such percentage difference to the closest one hundred dollars~~  
41 ~~by the state board which, not later than the first day of February in~~  
42 ~~each such year, shall issue a regulation publishing the amount of such~~  
43 ~~contribution limit. Such contribution limit as so adjusted shall be the~~  
44 ~~contribution limit in effect for any election held before the next such~~  
45 ~~adjustment.]~~

46 § 4. Section 14-116 of the election law, subdivision 1 as redesignated  
47 by chapter 9 of the laws of 1978 and subdivision 2 as amended by chapter  
48 260 of the laws of 1981, is amended to read as follows:

49 § 14-116. Political contributions by certain organizations. 1. No  
50 corporation ~~[or]~~ limited liability company, joint-stock association,  
51 unincorporated business entity, labor organization, association, group,  
52 organization, committee or political committee, other than a party  
53 committee, doing business ~~[in]~~ within or without this state, ~~[except a~~  
54 ~~corporation or association organized or maintained for political~~  
55 ~~purposes only,]~~ shall directly or indirectly pay or use or offer,  
56 consent or agree to pay or use any money or property for or in aid of

1 any candidate, political party, committee or organization, or for, or in  
2 aid of, any corporation, joint-stock or other association organized or  
3 maintained for political purposes, or for, or in aid of, any candidate  
4 for political office or for nomination for such office, or for any poli-  
5 tical purpose whatever, or for the reimbursement or indemnification of  
6 any person for moneys or property so used. Any officer, director, stock-  
7 holder, member, owner, attorney or agent of any corporation [~~or~~], limit-  
8 ed liability company, joint-stock association, unincorporated business  
9 entity, labor organization, association, group, organization, committee  
10 or political committee, other than a party committee, doing business  
11 within or without this state which violates any of the provisions of  
12 this section, who participates in, aids, abets or advises or consents to  
13 any such violations, and any person who solicits or knowingly receives  
14 any money or property in violation of this section, shall be guilty of a  
15 misdemeanor.

16 2. Notwithstanding the provisions of subdivision one of this section,  
17 any corporation, limited liability company, joint-stock association,  
18 unincorporated business entity, labor organization, association, group,  
19 organization, committee or political committee, other than a party  
20 committee, doing business within or without this state or an organiza-  
21 tion financially supported in whole or in part[~~7~~] by any such [~~corpo-~~  
22 ~~ration~~] entity may make expenditures, including contributions, not  
23 otherwise prohibited by law, for political purposes, in an amount not to  
24 exceed five thousand dollars in the aggregate in any calendar year;  
25 provided that no public utility shall use revenues received from the  
26 rendition of public service within the state for contributions for poli-  
27 tical purposes unless such cost is charged to the shareholders of such a  
28 public service corporation.

29 § 5. If any part or provision of this act is adjudged by a court of  
30 competent jurisdiction to be unconstitutional or otherwise invalid, the  
31 remaining portions of this act shall be deemed null and void.

32 § 6. This act shall take effect on the one hundred eightieth day after  
33 it shall have become a law. Effective immediately, the addition, amend-  
34 ment and/or repeal of any rule or regulation necessary for the implemen-  
35 tation of this act on its effective date are authorized to be made on or  
36 before such effective date.